

REMARKS/ARGUMENTS

Together with this response, Applicant submits:

1. “Corrected” original and supplemental declarations of the inventor and the initial declaration of H. Michael Brucker, all adding to the final paragraph the statement of truth inadvertently left off when the declarations were originally filed; and
2. A supplemental declaration of H. Michael Brucker describing in factual detail the disclosure of the invention made to him on July 10, 2000.
3. A Second Supplemental Declaration of the inventor setting forth the factual account of the reduction to practice before June 29, 2000 (demonstration of the prototype).

37 C.F.R. 1.131(b) Issue

In the most recent Office Action, the Examiner points out that one of the requirements of 37 C.F.R. 1.131(b) is to establish conception of the invention prior to the effective date of the reference, which, in this case, is July 10, 2000.

It is suggested that one way of satisfying the conception requirement is by evidence of a “complete disclosure to another.”

Applicant submits that the facts contained in the original Declaration of H. Michael Brucker and the Supplemental Declaration of H. Michael Brucker, submitted herewith, establish conclusively that the invention was disclosed to another prior to the effective date.

As further pointed out by the Examiner, in addition to establishing

conception prior to the effective date, it is necessary to establish either due diligence from prior to the reference date to an actual reduction to practice or to a constructive reduction to practice by the filing of a patent application.

Applicant submits that the factual evidence in the three declarations of the inventor, including the Second Supplemental Declaration filed herewith, establish a diligent actual reduction to practice of the claimed invention *prior* to the effective date of the Bartone et al. reference.

The Office Action is silent as to the adequacy of the evidence of a constructive reduction to practice, which Applicant takes to mean that the prior submissions relative to the constructive reduction to practice are adequate and meet the requirements of 37 U.S.C. 1.131. Thus, both prongs of the 131 requirements have been met to eliminate Bartone et al. as an effective prior art reference.

35 USC 102(e) Rejection


The newly submitted claim 27 specifies that the intelligent agent is capable of generating a switch closing signal without additional commands from the master controller computer. Since, in Bartone et al., the element that the Examiner has characterized as an intelligent agent is but a pass-through of information between the computer and the device being controlled and does not generate any signals independent of the master computer, any command to the device being controlled necessarily comes from the intelligent agent. Thus, a critical element of claim 27 is not found in Bartone, making it inadequate as a 102(e) reference, even if it is considered.

Conclusion

In the absence of additional, more pertinent prior art, Applicant submits that the proposed amendments and offered declarations place the application in condition for allowance, or in better condition for appeal, and should therefore be entered.

Respectfully submitted,

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